

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

LAQUAN O'BERRY,

Defendant.


18-CR-277 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has appointed Xavier Donaldson, Esq., for the limited purpose of representing Mr. O'Berry, in connection with the petition he has brought under 28 U.S.C. § 2255 claiming that his trial counsel was ineffective for failure to file a notice of appeal. The Court agrees with the Government that an evidentiary hearing is warranted on this question, at which the Court expects it would hear, *inter alia*, testimony from Mr. O'Berry and his trial counsel (Dkt. No. 41). The Court directs Government counsel and Mr. Donaldson to promptly confer, and to set out, by letter due November 12, 2020, (1) the parties' views as to the length and the anticipated content of this hearing, and (2) potential dates in late 2020 for such a hearing. The Court encourages counsel to reach out to the Court's deputy in advance of submitting such a letter to confirm that the dates proposed are in accord with the Court's availability. The Clerk of Court is requested to terminate the motions at Dkt. Nos. 36 & 39.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: October 28, 2020

New York, New York